

**Notice of Allowability**

Application No.

10/688,356

Applicant(s)

FREEMAN ET AL.

Examiner

Tuyen Q. Tra

Art Unit

2873

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 10/03/2005.
2. ☒ The allowed claim(s) is/are 1-25.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**DETAILED ACTION**

***Reason For Allowance***

1. Claims 1-25 are allowed.
2. Following is an examiner's statement of reasons for allowance:

The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in independent claims 1, 3, 9, 17 and 25, which include (claim 1, 3) a pair of electrode in electrical communication with the electrochromic device such that the relative transparency of the electrochromic device corresponds to the magnitude of a voltage applied across the pair of electrodes, wherein a relative intensity of the light signal transmitted out of the electrochromic device corresponds to the magnitude of the voltage applied across the pair of electrode; (claim 9) a plurality of electrode configured to conduct electricity to the electrochromic device such that the transparency of the electrochromic device will be affected by an amount proportional to the magnitude of the electricity applied to the plurality of electrodes, wherein the intensity of the light signal transmitted through the semi-transparent electrochromic device will also be affected by amount proportional to the magnitude of the electricity applied to the plurality of electrodes; (claim 17) directing a light signal from a laser to a variable electrochromic optical attenuator, the electrochromic optical attenuator comprising: a semi-transparent electrochromic device; and a plurality of electrodes configured to conduct electricity to the electrochromic

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device such that the transparency of the electrochromic device will be affected by an amount proportional to the magnitude of the electricity applied to the plurality of electrodes; transmitting at least a portion of the light signal through the electrochromic device, wherein the intensity of the light signal transmitted through the electrochromic device is affected by an amount proportional to the magnitude of the electricity applied to the plurality of electrodes; (claim 21) a module attached to the housing and comprising: a printed circuit board; an optical receiver in communication with the printed circuit board; and an optical transmitter package in communication with the printed circuit board and comprising: an optical transmitter; a variable electrochromic optical attenuator arranged to receive an optical signal from the optical transmitter; a first polarizing element arranged to receive an optical output from the variable electrochromic optical attenuator.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

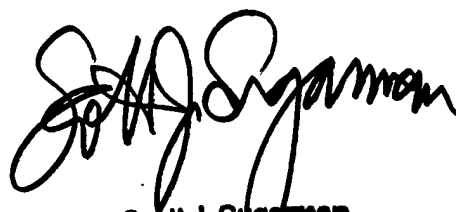
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuyen Tra whose telephone number is (571) 272-2343. The examiner can normally be reached on Monday to Thursday from 8:30am to 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky L Mark, can be reached on (571) 272 - 2333. The fax number for this Group is (571) 273-8300.

TT

December 7, 2005



Scott J. Sugerman  
Primary Examiner